

REMARKS

In the present Amendment, independent claim 1 has been amended to recite that the compound included in the polymerizable composition has a benzene ring substituted by a substituent having a Hammett value of not greater than -0.05 or by plural substituents having an average value of Hammett values thereof of not greater than -0.05. The claim previously recited a Hammett value (or average Hammett value, for plural substituents) of 0.04.

Independent claims 7 and 11 have been amended in a manner similar to claim 1.

In addition, claims 7, 11 and 16 have been amended to improve their grammar.

Section 112 support for the amendment may be found, for example, at page 15, lines 18-20 of the present specification.

Claims 1-20 are pending.

No new matter is added. Entry of the Amendment is respectfully requested.

Referring to Section Nos. 4 and 5 at pages 2 and 3 of the Office Action, Claims 1-10 and 19 are rejected under 35 U.S.C. § 102(b) as being anticipated by EP 0 566 744 ("Koike").

Applicants submit that this rejection should be withdrawn because Koike does not disclose or render obvious the polymerizable composition for producing an optical member for 850 nm wavelength, or the optical member, of the present claims.

The Examiner states that Koike discloses a polymer composition comprising a polymerizable monomer composition, a polymerization initiator, and a compound (biphenyl or diphenylsulfide, page 6, lines 57 and 58). See Paragraph No. 5 at pages 2-3 of the Action. The mean Hammett values of the substituent of biphenyl and diphenylsulfide, which are calculated according to the method described in the present description, are 0.018 and 0.134, respectively.

Therefore, neither biphenyl nor diphenylsulfide falls within the scope of the compound having a different refractive index recited in independent claims 1 and 7 as amended. The present Amendment thus clarifies the difference between the present invention and Koike.

There is no disclosure, suggestion or teaching in Koike of a compound, having a different refractive index from that of the polymerizable monomer composition, whose structure has a benzene ring substituted by a substituent having a Hammett value of not greater than -0.05 or by plural substituents having an average value of Hammett values thereof of not greater than -0.05. Thus, Applicants submit that it would not have been obvious for a person of ordinary skill in the art to conceive of employing such a compound as a compound having a different refractive index from that of the polymerizable monomer composition.

Claims 2-6, 8-10 and 19 depend directly or indirectly from either claim 1 or claim 7, and are patentable for at least the same reasons.

In view of the above, the Examiner is kindly requested to reconsider and withdraw the §102(b) rejection of claims 1-10 and 19 based on Koike EP '744.

Referring to Section No. 8 at page 3 of the Office Action, Claim 20 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Koike.

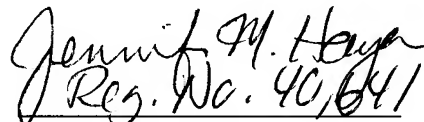
Claim 20 depends from Claim 19. Claim 19 is directed to a process for producing an optical member comprising a step of polymerizing the polymerizable composition of Claim 1. Claim 19 was included in the §102 anticipation rejection discussed above. Claim 20 further defines the step of polymerizing in Claim 19 to include a polymerization temperature of 50 °C or higher.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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